



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: David R. Komar, et al.

File: B-252352

Date: June 22, 1993

DIGEST

Where circumstances during temporary duty necessitated that the original travel orders authorizing return from temporary duty by commercial aircraft be changed to return by charter flight provided by the government, travelers who did not travel by the changed mode of transportation on their return because of taking annual leave that had been approved before their temporary duty began, must pay the extra costs to the government resulting from not using the charter flight.

DECISION

In this case circumstances necessitated a change in travel arrangements for a group of employees, after arrival at their temporary duty location, directing their return by charter aircraft rather than commercial aircraft. The question here concerns claims by several of the travelers for the cost of commercial aircraft for their return because they chose to delay their departure to take annual leave that had been approved before the temporary duty began.¹ For the reasons set out below, the travelers are personally responsible for the cost of their commercial air fares for their return.

BACKGROUND

Space Shuttle Columbia was launched from Kennedy Space Center, Florida, on June 25, 1992. Columbia was scheduled to land later at Edwards Air Force Base, California, so a launch recovery team had been sent from Kennedy Space Center on temporary duty to prepare Edwards Air Force Base for Columbia's landing and to prepare Columbia for its flight back to Kennedy Space Center after its mission had been

¹The question was submitted by a certifying officer, National Aeronautics and Space Administration, Kennedy Space Center, Florida, concerning claims for commercial air fares incurred by NASA employees David R. Komar, Frank X. Martin, William L. Beeker, Gennaro Caliendo, Paul Valerie, Michael Toberman, Ernie Eulitz, and Theodore R. Moore.

completed. The launch recovery team's original written travel orders had provided for round trip transportation by commercial aircraft, and reservations had been made on that basis. However, there were some members of the launch recovery team who, before the temporary duty began, had annual leave approved to be taken in California after the scheduled recovery of Columbia had been completed at Edwards Air Force Base.

Columbia landed at the Kennedy Space Center instead of Edwards Air Force Base on July 9, 1992, because of bad weather. The launch recovery team of approximately 300 people were returned from Edwards Air Force Base to Kennedy Space Center on July 10 on two aircraft chartered by the National Aeronautics and Space Administration (NASA) specifically for the return. However, eight recovery team members did not return on the chartered aircraft even though seats were available for them, but instead returned later than July 10 at various times on commercial aircraft because each used leave in California that had been approved before the launch. These team members claim that they were not aware that they would have to pay the cost of their return tickets by commercial aircraft.

NASA did not execute any written orders amending or modifying the original travel orders of the launch recovery team. However, it verbally amended the original orders of all the members of the recovery team so that they would be directed to return by charter aircraft on July 10. NASA officials verbally communicated this intention in a meeting called for the recovery team on July 9 at Edwards Air Force Base.²

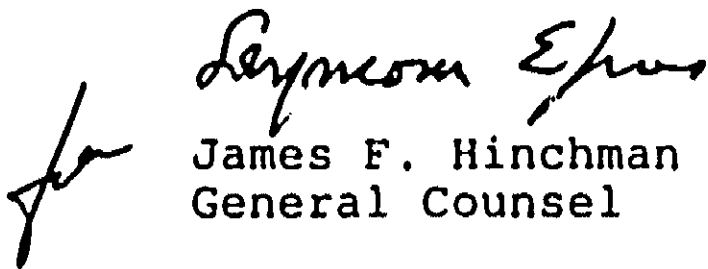
ANALYSIS AND CONCLUSION

Written travel orders may be effectively changed by verbal orders that are communicated to the traveler when events occurring after the written orders necessitate a change, and travel undertaken on the basis of the original, written orders is not reimbursable. B-154450, Jul. 9, 1964. As stated before, NASA verbally amended the original travel orders of all the members of the launch recovery team so as to provide for their return to Kennedy Space Center by charter aircraft on July 10.

²Our understanding of the verbal amendment made during the general meeting for the recovery team on July 9 is derived from the certifying officer's statement and statements submitted to the certifying officer by the eight recovery team members who did not return on the chartered aircraft and one member who did return on the chartered aircraft.

When a traveler, for his or her convenience, interrupts travel by a direct route or uses a different method of transportation administratively authorized as most advantageous to the government, he or she must pay any additional cost resulting from the interruption or different method of transportation. Paragraphs 301-2.2(c) and 301-2.5(b), Federal Travel Regulation. See John F. Clarke, B-209764.2, Sept. 26, 1988; Dr. Francis G. Stehli, B-225352, Sept. 21, 1987. As the certifying officer in this case concluded, the extra transportation cost was the cost of commercial aircraft, since seats were available for the eight employees on the charter flights provided at government expense. These additional costs may not be reimbursed.

We realize it was a difficult situation when officials from the recovery team in California had to communicate and implement the changes in travel plans on short notice, and apparently the implications of changing the mode of transportation from commercial aircraft to charter aircraft were not fully explained at the meeting. However, the consequence of ordering the recovery team to return by charter aircraft was to make the election of the travelers to return by any other transportation mode, for their personal convenience (annual leave), to be at their expense. That change order did not prevent those with preapproved leave from taking leave and not returning on the charter aircraft. It merely made it more expensive. It is unfortunate that some of the recovery team members with preapproved leave were not aware of the implications of taking leave. However, none of their submitted statements indicated that they were informed that they could take leave and have the cost of return by commercial aircraft reimbursed. Accordingly, reimbursement is not appropriate.


James F. Hinchman
General Counsel